

July 26, 2017

Mr. Henry Leskinen
Eco-Science Professionals Inc.
P O Box 5006
Glen Arm MD 21057

Re: Moreland Memorial Park Cemetery
Forest Buffer Variance
Tracking No. 06-17-2501

Dear Mr. Leskinen:

The Department of Environmental Protection and Sustainability (EPS) has completed a review of the request for a variance from Baltimore County Code Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains submitted for the above referenced property. The request proposes the continued existing use of 1.65 acres of the required forest buffer. These continued uses include existing grave sites, future grave sites, and part of the stockpile area used for disposal of excess soils from graves. The request is related to the proposed construction of a mausoleum outside the required forest buffer near the edge of the soil stockpile. The forest buffer is associated with an intermittent headwater tributary to Herring Run (a Use IV stream) and the adjacent nontidal wetlands. There are no impacts to the stream, forested buffer, or wetlands proposed, but an existing perpetually maintained lawn grave site area does exist within a small portion of a 25-foot nontidal wetland buffer. The applicant proposes to mitigate impacts by planting native trees in a 0.74-acre area within the forest buffer on the property.

This Department has reviewed the request, and has determined that a practical difficulty/unreasonable hardship does exist. Literal enforcement of the law would not allow for continued existing uses of this cemetery property. The property was developed prior to the forest buffer law with a soil stockpile, and existing and future grave sites located within the required forest buffer. No new impacts to the forest buffer have been proposed, and an older portion of the soil stockpile adjacent to the stream and wetlands has been allowed to become forested. Forest buffer impacts have been minimized to the extent possible when considering the historic uses of the property, and the proposal to plant a portion of the forest buffer with native trees. Therefore, the potential for impacts to water quality and aquatic resources as a result of the continued existing uses on this property can be minimized with mitigative measures.

Based on this review, the continued existing uses proposed within the required forest buffer on this property meet the requirements of Baltimore County Code Section 33-3-106. The approval is subject to the following conditions to minimize water quality impacts:

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1. The following note must appear on all plans submitted for this project:

“On July 26, 2017, a variance was granted by the Baltimore County Department of Environmental Protection and Sustainability from Baltimore County Code Article 33, Title 3 Protection of Water Quality, Streams, Wetlands and Floodplains for continued existing use of 1.65 acres of the required forest buffer for existing and future grave sites, and a soil stockpile area. Conditions were placed on this variance to reduce water quality impacts.”

2. The proposed mitigation is acceptable. 0.74-acres of forest buffer mitigation must be provided. Details of all mitigation must be presented in a Forest Buffer Protection Plan (FBPP). The FBPP must be approved prior to any permit approvals for this site.
3. An Environmental Agreement shall be completed for any required securities related to the mitigation for the forest buffer impacts. The security shall be a minimum of \$0.25 per square foot of mitigation area for any planting, and shall be posted prior to any permit approvals.
4. The forest buffer must be recorded in Baltimore County Land Records as an easement along with the appropriate declaration of protective covenants.
5. Any grading and sediment control plans must be reviewed and approved by this office.
6. All conditions of this variance must be completed to the satisfaction of this Department prior to any permit approvals, unless otherwise stated above.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require approval of an amended variance request.

Please have the property owner sign the statement at the end of this letter, and return the signed original of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please contact Paul Dennis at (410) 887-3980.

Sincerely yours,

Vincent J. Gardina
Director

VJG: pad

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I/We agree to the above conditions to bring my/our property into compliance with Baltimore County Code Article 33. Environmental Protection And Sustainability, Title 3. Protection Of Water Quality, Streams, Wetlands, And Floodplains:

Property Owner

Date

Printed Name of Property Owner